

### **Remarks**

The examiner requested a species election under 35 U.S.C. § 121 to the silicone polyether in Claim 1. In particular the Examiner requests that there be an election between structure I and II and that each R group in the structure be specified.

Applicants hereby provisionally elect structure I where each R<sup>a</sup> is methyl, R<sup>b</sup> is  $-(CH_2)_3-$ , and R<sup>c</sup> is methyl.

Pending claims 1-14 encompass this species.

The applicants respectfully traverse the election requirement as the Examiner has failed to demonstrate either of the criteria necessary for a proper species election. Restriction between the species may be proper if the species are independent and distinct. The Examiner has not shown how structures I and II are independent and distinct. Both structures I and II are silicone polyethers. Both contain the same backbone elements and both contain oxyalkylene side chains. Applicants argue that the difference between the oxyalkylene side chains (ethyl vs ethyl/propyl) does not make the species independent and distinct.

This reply is being submitted within the period for response to the outstanding office action. Although the applicants believe in good faith that no extensions of time are needed, the applicants hereby petition for any necessary extensions of time. You are authorized to charge deposit account 04-1520 for any fees necessary to maintain the pendency of this application. You are authorized to make any additional copies of this sheet needed to accomplish the purposes provided for herein and to charge any fee for such copies to deposit account 04-1520.

Respectfully Submitted,

Dow Corning Corporation

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